

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

DEPUTY

GHERMON LATEKE TUCKER) CASE NO: CR-11-1013-TUC-RCC
DEFENDANT) MEMORANDUM OF LAW
) TO PURSUANT UNDER 18 U.S.C § 3582
-VS-) BASED UPON NEWLY RETROACTIVELY
) APPLICATION OF AMENDMENT (782)
UNITED STATES OF AMERICA)
RESPONDENT)
)
)
)
)

MOTION TO THIS HONORABLE DISTRICT COURT
TO MODIFY THE DEFENDANT TERM OF
IMPRISONMENT ON PURSUANT TO 18 U.S.C. §3582(C)(2)
UNDER AMENDMENT (782) SMARTER SENTENCING
ACT OF 2014

COMES NOW, defendant Ghermon Lateke Tucker, Respectfully submitted this petition to this Honorable district Court to Modify defendant sentence based upon Amendment (782)

FACTUAL BACKGROUND

Defendant Ghermon Lateke Tucker, was indicted by a grand jury on several count(s), on count (1) conspiracy to possess cocaine with intent to distribute in violation 21 U.S.C §846; count (2) possessing a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1).

On July 18,2014, the United States Sentencing Commission enacted an Amendment to U.S.S.G § 2d1.1, which amendment(782) generally revising the drug quantity table across all drugs is by this policy statement on cases in which the order reducing the defendants term of imprisonment has the effect on November 1, 2015 or later. A reduction of sentence retroactivity application under 18 U.S.C. § 3582(c)(2) provides that this Honorable District Court may alter a term of imprisonment "based upon a new sentencing commission pursuant to 28 U.S.C. §994(o), "but only", "if such a reduction is issued by the section 1B1.10, which designate guideline amendment. Apply retroactively, and the circumstance in which a court may afford retroactive relief.

Under the Smarter Sentencing Act of (2014); Amendment (782) guideline range would reduce the defendant Tucker previously guideline range from Base level (32), under the (All drugs minus) the defendant new base level would be a base level(30) with a new statutory (5) to (40) which a new guideline between (97- 120) instead of the original guideline range (121-151). Defendant Tucker aware that this Honorable District Court must consider all the factors announced in 18 U.S.C. §3553(A) irregardless if the term is above or below the established guidelines. Exhibit (A) rehabilitation program.

Those factor include and are limited to the Following:

- 1) Seriousness of the offense
- 2) To promote respect for the law
- 3) Afford deference to criminal conduct
- 4) To Protect society from further crime by defendant

The Institutional conduct is a key factor in evaluating the application of the above factor. It should be noted in the progress report for the institution of his behavior as good conduct, and programming achievement, by rehabilitation programming his behavior during his entire incarceration in the United States Bureau of Prisons with no violence. This Honorable Court has discretion to sentencing defendant to the low-end of guideline range of new (All drug minus) to a term of (97) month imprisonment.

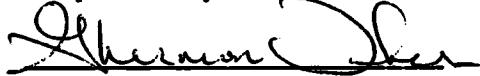
Amendment 782 reduced by two levels the offense assigned to the quantities that trigger the statutory mandatory minimum penalties in 2D1.1 and make parallel changes to 2D1.11. The purpose of the amendment are to reflect the commissions determination that setting the base offense levels above mandatory minimum penalties is no longer necessary and that a reduction would be an appropriate step toward alleviating the overcapacity of the Federal Prisons. The Amendment (782) section 2d1.1(c) is Amended by striking multiple paragraph by redesignation paragraphs (1) through (16)

As paragraphs (2) through (17) respectively, and by inserting new guideline range.

CONCLUSION

Based upon forgoing reason defendant Ghermon Lateke Tucker prays this Honorable District Court has discretion to grant relief under 18 U.S.C. §3582(c). Defendant would like to seek a modification or reduction of his sentence , to determine by (All drugs minus) two level. Defendant prays this Honorable District Court grants relief.

Respectfully Submitted



Ghermon Lateke Tucker #15306-196

Federal Correctional Institute Phoenix

37910 N. 45th Avenue

Phoenix, Arizona 85086

EXHIBIT

(A)

PHXGN *
PAGE 001 OF 001 *

INMATE EDUCATION DATA
TRANSCRIPT

* 02-27-2018
* 16:34:28

REGISTER NO: 15306-196
FORMAT.....: TRANSCRIPT

NAME...: TUCKER
RSP OF: PHX-PHOENIX FCI

FUNC: PRT

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
PHX	ESL HAS	ENGLISH PROFICIENT	12-20-2012	0935 CURRENT
PHX	GED HAS	COMPLETED GED OR HS DIPLOMA	05-08-2015	0852 CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
PHX	HOUSE WIRING FCI LOCATION	09-05-2017	02-15-2018	P	C	M	126
PHX	INTRO TO AEROBIC EXERCISE	04-06-2017	05-25-2017	P	C	P	8
PHX	CREATIVE REAL ESTATE	04-24-2017	06-26-2017	P	C	P	10
PHX	SMALL BUSINESS PLANNING	04-24-2017	06-26-2017	P	C	P	10
PHX	RECREATION AIDE	01-11-2017	03-01-2017	P	C	P	8
PHX	BUILDING TRADES 3TIMES A WK AM	05-30-2016	09-20-2016	P	C	M	156
PHX	MUSIC THEORY	03-25-2016	06-14-2016	P	C	P	10
PHX	LEATHER SHOP FCI	12-12-2015	03-05-2016	P	C	P	12
PHX	GED AM CLASS M-F HAWTHORNE	04-16-2015	05-08-2015	P	W	I	34
COP	VT ROOM 1 GED 12:30-3:00PM M-F	11-29-2013	04-28-2014	P	W	I	150
COP	INTRO TO ELECTRICITY	07-01-2013	02-27-2014	P	C	P	20
COP	VT ROOM 1 GED 12:30-3:00PM M-F	03-21-2013	09-13-2013	P	W	I	90
COP	PERSONAL GROWTH	05-31-2013	07-26-2013	P	C	P	20
COP	RPP HEALTH/NUTRITION #1	03-01-2013	03-01-2013	P	C	P	1

----- HIGH TEST SCORES -----

TEST	SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
TABLE D	LANGUAGE	10.7	01-08-2015	PHX	10	
	MATH APPL	11.4	01-08-2015	PHX	10	
	MATH COMP	10.7	01-08-2015	PHX	10	
	READING	12.2	01-08-2015	PHX	10	

G0000 TRANSACTION SUCCESSFULLY COMPLETED